



DOI: <https://doi.org/10.38035/jlph.v4i1>

Received: January 27th, 2024, Revised: February 19th 2024, Publish: February 29th, 2024

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Buying and Selling Marijuana Coffee in Cross Medan, Southeast Aceh Perspective of DSN MUI Fatwa No.110/DSN-MUI/IX/2017

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Abstract: Buying and selling is an agreement to exchange goods that has benefits for the user. In its implementation, buying and selling must be based on the provisions of Islamic law, in that it does not contain elements that are forbidden, because of Allah SWT. has permitted buying and selling and prohibited usury. The concept of buying and selling in Islam encourages transactions that are honest, fair and beneficial to both parties as well as maintaining a good relationship with Allah and gaining His approval. The practice of buying and selling marijuana coffee across Medan, Southeast Aceh violates legal regulations. Of course, coffee can be consumed halally, but not marijuana. The combination of coffee and marijuana is a problem whether this type of drink is halal for consumption, in the perspective of DSN MUI Fatwa No.110/DSN-MUI/IX/2017 concerning Sale and Purchase Agreements. If buying and selling marijuana coffee is carried out then this buying and selling is not valid according to Islamic law because there are elements of haraam which are prohibited both by religion and by law in Indonesia. The research method used is an empirical juridical method, namely field research, using a qualitative approach.

Keyword: Buying and Selling, Marijuana Coffe, DSN MUI Fatwa

INTRODUCTION

Legal theories and regulations regarding the principle of protecting minority Indonesia is one of the largest archipelagic countries in the world, covering approximately thirteen thousand islands and Indonesian waters include approximately seven straits which are very important for international shipping (Djamali, 2005). The seven straits are the Malacca Strait, Singapore Strait, Sunda Strait, Wetar Strait, Lombok Strait, Ombat Strait and Makasar Strait. Indonesia is located between the continents of Asia and Australia, its geographical location has indirectly increased transnational criminal acts in general and narcotics crimes in particular (Wahib, 2016). The Malacca Strait is one of the straits located between Malaysia and the island of Sumatra, this makes it easier for marijuana to enter Indonesia.

Marijuana is a plant consisting of dried seeds, flowers, leaves and stems of cannabis sativa. Marijuana is widely used not only as a prohibited narcotic, there are many uses of marijuana in other ways as an analgesic (pain reliever) in war situations, material for textiles,

rigging, oil for war, cooking, and so on (LGN, 2011) . In the Aceh region, local residents report major forms of cannabis use, ranging from cooking, or in food, to mixing with coffee or as an herbal medicine for diabetes. In the case of coffee drinks that are mixed with marijuana to improve the taste of the coffee for consumption. This is very contrary to Islamic sharia, because it mixes haram things into halal food or drinks for consumption.

In reality, the circulation of marijuana in Aceh is becoming easier for all levels of society to obtain, from officials, security forces, artists, students and other members of the public. This is due to the large profits taken in a short time behind these illicit goods. Even though breaking the law carries the risk of sanctions, many people are willing to accept the risk for the sake of profit from the marijuana business. Moreover, looking at today's modern era, marijuana can be processed into various kinds of desires according to the desire to be used as an addition.

Doing business in Islam is permissible with anyone regardless of religion regardless of the business partner's beliefs. This is a matter of worldly muamalah, the important thing is that the goods are halal. Halal and haram is a principle issue. Trading or carrying out transactions in haram goods, for example alcohol, illegal drugs and gharar goods, is prohibited in Islam (Veithzal Rivai, 2012). In the 1970s, marijuana plants were easy to find in the yards of Acehnese people. Previously, the marijuana plant was not used for negative things such as making cigarettes, but it was used as a food flavoring and was also used as an alternative medicine to cure illnesses suffered by society.

The use of marijuana is not only smoked like cigarettes, but there are also those who use marijuana as an addition to coffee. This problem will certainly bring harm to society, because the use of marijuana will have a negative impact even if you only mix small amounts of marijuana. This makes marijuana coffee sellers make bigger profits than just selling coffee alone.

Buying and selling is an activity of exchanging goods for other goods in a certain way. Included in this are services and also the use of means of exchange such as money. Buying and selling itself is: exchanging goods for goods for money by releasing property rights from one to another on the basis of mutual consent. (Hidayat, 2015)

In Islamic law, legalized buying and selling are goods that are halal for sale and purchase. Therefore, buying and selling marijuana coffee contains prohibited elements by Islamic law and applicable laws. The concept of buying and selling in Islam is based on the halalness of an item. Allah SWT. also explains in his word QS. Al-Maidah verse 90 which reads:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

Meaning: O you who believe, indeed drinking alcohol, gambling, (sacrificing to) idols, and drawing lots of fortunes with arrows are abominable acts (and) acts belonging to Satan. So, stay away from those (actions) so that you will be lucky.

Through this verse, Allah SWT. ordered Muslims to stay away from all forms of what He had prohibited. One of them is alcoholic beverages because alcoholic beverages can eliminate the mind and cause problems for the drinker. Marijuana is one of the things that is referred to as alcohol, which has the effect of destroying common sense on the ability to think and damaging the structure of the brain.

In general, buying and selling are forbidden or prohibited by Allah SWT. and His Messenger because of two things, namely that into categories that are forbidden by religion and because the method is not in accordance (forbidden) with religious teachings. Among

them is the buying and selling of haram goods, basically what is meant by haram goods is food or drink or animals that are considered haram and are prohibited for consumption, such as pigs, dogs, liquor, carrion and so on.

In this case, marijuana is mixed into khamr or liquor. The ulama based the law on marijuana on the law on khamr, they argued with the hadith put forward by Umar bin Khattab RA, "Khamr is everything that closes the mind." (HR Bukhari and Muslim). So, marijuana falls within the scope of the defense of khamr as mentioned by Umar bin Khattab RA.

The city of Aceh has a special role in the context of laws and regulations related to coffee and marijuana commodities. Aceh is famous as one of the best coffee producers in Indonesia. Meanwhile, marijuana in Indonesia, including Aceh, is illegal and prohibited by law. However, Aceh has special policies regarding the use and law enforcement of marijuana. In 2015, the Indonesian government permitted Aceh to implement lighter penalties for narcotics users, including marijuana, in the province.

Marijuana coffee Refers to coffee that is mixed or processed with marijuana, some cafes or specialty shops offer coffee products mixed with marijuana, the marijuana component used is not too much, to add to the taste of the coffee enjoyment. Coffee lovers might combine coffee and marijuana, such as calm and relaxed. Coffee itself can have a calming effect on some people, as well as marijuana, some people feel that marijuana has a calming effect.

METHODS

The research used is empirical juridical research, also known as field research, which examines the legal provisions that apply in society. This type of research emphasizes the reality of each particular legal event that occurs in society. Because this type of research is empirical juridical, the method used is a field study method, namely research carried out in the field with the aim of obtaining information and describing events that occur in the field according to facts found in the field (Fathoni A., 2006). The approach method that researchers use is a qualitative approach with descriptive and exploratory analysis. In this research, the researcher carried out a qualitative descriptive research analysis, namely research that aims to describe and assess social conditions or phenomena, which in this case is a description of the implementation and law of buying and selling marijuana coffee across Medan, Southeast Aceh. The problem in this research is how to carry out the sale and purchase of marijuana coffee across Medan, Southeast Aceh and what is the law regarding the sale and purchase of marijuana coffee across Medan, Southeast Aceh from the perspective of DSN MUI Fatwa No.110/DSN-MUI/IX/2017.

RESULTS AND DISCUSSION

Understanding Selling and Buying

Based on the above background, a normative juridical study was carried out regarding Buying and selling is a business in society in the form of a routine activity carried out all the time by humans. However, not all Muslims carry out correct buying and selling according to Islamic law. There are even those who do not know at all about the provisions stipulated by Islamic law in buying and selling. Buying and selling have an understanding, linguistically it means exchanging something for something, while in sharia it means exchanging property in a certain way (Rifa'I, 1978). In terms of fiqh terminology, buying and selling is called al-ba'i, which means selling, replacing, and exchanging something for something else. The pronunciation of al-ba'I in Arabic is sometimes used to understand its opposite, namely the word asy-syira (buy). Thus, the word al-ba'I means selling, but also means buying (Haroen, 2007).

According to Sayyid Sabiq in his book Fiqh Sunnah, buying and selling is exchanging

an object for another object by reciprocating or transferring property rights to a replacement in a permitted manner. There are some scholars who provide the meaning of buying and selling, including Hanafiyah scholars who say that buying and selling is exchanging property for property based on a special method that is permitted by agreed upon sharia. According to Imam Nawawi in al-majmu', buying and selling is the exchange of property for goods or goods for money by relinquishing property rights based on mutual consent (Suhendi, 2007).

According to DSN MUI Fatwa No.110/DSN-MUI/IX/2017 concerning buying and selling, a sale and purchase contract is an agreement between the seller and the buyer that results in the transfer of ownership of the object being exchanged. Both buyers and sellers in buying and selling transactions are people or are equated with people, whether what is being traded are goods or rights. Both buying and selling where payment is made in cash on a deferred basis or made in installments.

1. Mutsman/mabi' can in form goods and/or shaped right, as well as owned by seller fully.
2. Mutsman/mabi' must similar goods and/or right Which can utilized according to sharia (mutaqawwam) as well as can traded according to sharia And regulation legislation invitation.
3. Mutsman/mabi' must exist, be certain/certain, and can be handed over, or on the agreed time if the contract is carried out using a salam sale and purchase contract or sale agreement buy istishna'
4. In the case of mabi' in the form of rights, the provisions and limitations as determined apply in MUI Fatwa number 1/MUNAS/VII/5/2005 concerning Protection of Property Rights Intellectual and statutory regulations Which applies.

Judging from the MUI DSN Fatwa, there were errors in carrying out buying and selling transactions coffee marijuana Which combine between halal And haram. Matter the forbidden on the second provision of mutsman/mabi' which prohibits buying and selling goods that are not suitable with sharia and statutory provisions. On the one hand, coffee is A drink that is halal for consumption, coffee also teaches how to enjoy life although in circumstances bitter. By Because That, combination between coffee And marijuana No For add wish flavor but it is prohibited drink something Which can remove minds.

Law Sell Buy

Base law sell buy is Al-Qur'an and Hadith, Namely:

1 Al-Qur'an

Law sell buy there is in in Al-Qur'an among them QS. An-Nisa'(4):29 :

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾

It means : O people Which have faith! Don't be You each other eat treasure your neighbor in a way that is vanity (not true), except in applicable trade on base Like The same Like in between You. And don't You kill yourself. Really, Allah Maha Caring to you.

Allah has forbidden it to the people Islam consuming wealth fellow by road vanity, for example by stealing, corruption, cheating, robbing, extorting, and so on other paths that are not permitted by Allah, except through commerce or buying and selling with based on base Like just like it And each other profitable.

In paragraph other QS Al-Baqarah (2):275:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ ﴿٢٧٥﴾

It means : People Which eat usury No can stand but like the existence of people who are possessed by demons because they are crazy. This is because of them said that buying and selling is the same as usury. Even though Allah has permitted buying and selling And forbid usury. Goods Who get warning from his God, Then he stops, then what he has previously obtained becomes his property and his business (up to) Allah. Whoever repeats it, then they are the inhabitants of hell, they will abide therein.

2 Hadith

قِيلَ يَا رَسُولَ اللَّهِ أَيُّ الْكَسْبِ أَطْيَبُ قَالَ عَمَلُ الرَّجُلِ بِيَدِهِ وَكُلُّ بَيْعٍ مَبْرُورٍ

Meaning: The Messenger of Allah was asked, "O Messenger of Allah, what is the best job?" he answered, "work somebody with his hand Alone And every commerce Which Good. (HR Ahmad and Al Bazzar).

3 Ijma'

Meanwhile, Muslim scholars agree (ijma') on the permissibility of buying and selling contracts. This consent provides wisdom that human needs are related to something that exists in someone else's possession, and ownership of that thing will not be given with just like that, but there is compensation that must be given. With the regulation of selling buying, is one way to realize human desires and needs, because basically, humans are social creatures, that is, they cannot live alone without contact and with the help of people other.

Even though buying and selling is a contract, in its implementation, the parties are involved organize it. Subject to religious laws because of his activities. And conditions law Which can be worn to para partyyang make a sale buy, that is:

1. Mubah (permissible), mubah is the original law of buying and selling. This means it can be done every person Which qualify.
2. Mandatory, if a guardian sells an orphan's property under forced circumstances. This matter It is also obligatory for a qadhi who sells the property of a muhli (a person who has a lot of debt And beyond wealth his).
3. It is haram to buy and sell goods that are prohibited by religion, it is forbidden to buy and sell goods that are prohibited endanger man. For example sell drink hard, drugs And etc.
4. It is sunnah if the buying and selling is done to friends/acquaintances or children of the same family loved And Also to people Which very need goods That.

Law base in muamalah This, that Allah forbid in his book devouring another's wealth in vain. This rule applies generally to all assets eaten in a way vanity.

Implementation Sell Buy Coffee Marijuana in Cross Medan Aceh Southeast

Coffee is an agricultural crop that is made into a brewed drink from the beans coffee Which has roasted And smoothed become powder. Whereas marijuana is Psychotropics contain tetrahydrocannabinol as the main chemical compound that makes them its users experience euphoria. Understanding euphoria Alone is happiness or the euphoric feeling felt when using cannabis containing cannabinoids quality height of the plant marijuana Which grow.

In general, hemp coffee does not refer to coffee grown in a blend marijuana. Instead, cannabis coffee refers to coffee that is processed or mixed with cannabis products. The implementation of buying and selling marijuana coffee across Medan, Southeast Aceh is the same like buying and selling activities in general which involve sellers and buyers. Marijuana in Aceh is nothing new, marijuana has been found since ancient kingdom times, marijuana Formerly used as a flavoring food. In the book Tajul Muluk a manuscript ancient mention that marijuana Already become commodity important For serve that dish delicious period the kingdom of Aceh first.

According to Mr. Agus (pseudonym), coffee and marijuana are mixed together, buying and selling According to Mr. Agus, marijuana coffee is very profitable, but as is known, it is riskytall caused deed Which violate law Islam will get punishment whip. But it is no longer a secret that many marijuana trees exist which is planted in behind House public, moreover father Agus disclose that himself Also growing marijuana in the backyard. Coffee and marijuana have the right blend of coffee and marijuana, which is about 80% coffee and 20% marijuana. If marijuana is included more than 30% then dream flavor of coffee will is lost.

Sell buy coffee marijuana in cross Medan Aceh Southeast done in a way closed because prohibition plant marijuana in Indonesia, Good in city Medan nor Aceh Southeast. Selleronly sell coffee marijuana the to Who just Which Want to buy.

Law Sell Buy Coffee Marijuana in Cross Medan Aceh Southeast

Islam does not prohibit trade except trade that contains elements injustice, fraud, exploitation, or promoting prohibited things. Trading wine, marijuana, pig, statue, And goods similar, Which consumed, distribution or Its use is prohibited, and its trade too prohibited Islam.

In the Qur'an and As-Sunnah there is no evidence that suggests marijuana. Matter This is also not in the ijma' of the ulama so that marijuana is used as an analogy Qiyas. Qiyas is equating or analogizing a case that does not exist in the text the law is with a case which has a legal text, because there is a legal 'illat'. Qiyas is equating cases for which there is no law (far'u) to cases that do explained the law is Nash or that called ashli in illat the law.

In law, buying and selling is permitted, in accordance with the proposition have been listed above. However, buying and selling must comply with norms and rules as well as rule Which has set in in Al-Qur'an And Hadith. Desire For Taking profits from buying and selling is of course legal, but you have to follow appropriate guidelines with sharia.

Marijuana in Islam is known as al-hasyusy. This was originally called al-Hasyusy used in the East, because it can cause numbness and floating. Marijuana lawsIt is indeed nothing new in Islamic history, whether in Sunni or Sunni history Shia. In Arab al-Hasyusy culture, marijuana is not classified as a cigarette or cigarette wine. But it is clear that marijuana is something haram. It could be marijuana haram lidzatihi that is, Which absolute will its prohibition like pig, or haram Li dlararihi, namely goods Which prohibited because of the potential danger.

Harm marijuana absolute based on proposition syar'i Good A little nor Lots Also

Based on the facts, there is no reason why marijuana is haram, so marijuana is haram without it see the negative effects of its users. The prohibition of marijuana is also contained in Abu's hadith Dawud namely the Prophet Muhammad SAW prohibited something the muskir (intoxicating) and mufattir (weakening). The scholars define mufattir as a substance that gives rise to Istirkha' (calm) and futur (weak/weak) in the human body. So it is clear that marijuana becomes haram Because give rise to mufattir. Harm This nature absolute without explain limitation or prohibited little or no Lots.

In the implementation of buying and selling marijuana coffee across Medan, Southeast Aceh, it is mixed coffee with marijuana known that marijuana is something that is prohibited by religion and state, because marijuana is an haram plant. Meanwhile, according to The MUI DSN should be goods that are bought and sold in accordance with sharia or called Also halal.

According to DSN MUI Fatwa No.110/DSN-MUI/IX/2017 concerning buying and selling, sale and purchase contracts is contract between seller And buyer Which result moving ownershipobject which is exchanged. Both buyers and sellers in buying and selling transactions are people or equivalent to people, whether what is being traded are goods or rights. Good sell buy Which payment price done in a way cash or done in a way tough or done online installments.

In the DSN MUI Fatwa No.110/DSN-MUI/IX/2007 there is a provision on Mutsam (Mabi') that is:

1. Mutsman/mabi' can in form goods and/or shaped right, as well as owned by seller fully.
2. Mutsman/mabi' must be an item and/or right that can be utilized according to sharia (mutaqawwam) and can be traded according to sharia and regulations legislation invitation.
3. Mutsman/mabi' must exist, be certain/certain, and can be handed over, or on the agreed time if the contract is carried out using a salam sale and purchase contract or sale agreement buy istishna'
4. In the case of mabi' in the form of rights, the provisions and limitations as determined apply in MUI Fatwa number 1/MUNAS/VII/5/2005 concerning Protection of Property Rights Intellectual and statutory regulations Which applies.

The opinion of the fatwa of the Indonesian Ulema Council (MUI) is that the principles of the Islamic religion are Entering anything that is not permitted by Islam is haram. Field katua Asrorun Niam Sholeh's MUI fatwa began to be drafted with a comprehensive study in religious perspective based on considerations of the benefit of the people so that the MUI will start examine the substance of the problem by looking at it from the health, economic, regulatory, social as well as that impact caused.

The activity of buying and selling marijuana coffee is something that violates the rules, in concept If something that is halal is combined with something that is haram, it will become haram. Whatever The concentration of marijuana mixed with coffee is still a combination forbidden. In Indonesia, all parts of the marijuana plant, from seeds, fruit, to straw and processed marijuana plants or parts of marijuana plants are prohibited for use. In attachment Constitution Number 35 Year 2009, marijuana enter to in narcotics group I because of having potential dependency Which tall.

Analysis medical explain that use marijuana very dangerous For health, this also coincides with the explanation of health expert Dr Krakower who said that the combination of coffee and marijuana can produce their respective effects from material the, moment consumed effect caffeine in coffee And THC (Tetrahydrocannabinol) in marijuana can bother working memory in the brain.

In matter the what we can be certain of is marijuana can impact bad for health if consumed Which own effect side For health, effect from marijuana appear by THC

(Tetrahydrocannabinol) which is the main chemical in marijuana leaves. Content of this compound can cause people who consume it to feel drunk. According to data from the National Narcotics Agency (BNN) provide an explanation that there are several impacts rather than use marijuana 20% or more that is :

1. Risk Health Mental

Marijuana use, especially at high THC levels, has been linked to increased risk of mental disorders, such as anxiety, depression, and risk of psychosis on individuals Which prone to.

2. Disturbance Health Cardiovascular

Use marijuana have influence bad on cardiovascular health Which increases heart attacks, strokes, and minor strokes caused because of the disturbance blood flow to brain in time Which short.

3. Disturbance Health Respiratory

Marijuana use causes respiratory problems and conditions such as bronchitis chronic, This is because substances deep poisonous marijuana.

4. Influence Psychoactive

Marijuana with level THC Which tall can cause perception, atmosphere heart, And coordination motor.

The effects of marijuana on body health can often be felt immediately. While the effects period length depends on a number of factor, like How sufferer use marijuana, how much Lots marijuana Which used, how much often use it, and age user.

CONCLUSION

Legal protection for shareholders, in the form of derivative lawsuits as regulated in Buying and selling is a benefit for the seller and buyer, but profit the not accompanied by halal and haram transactions carried out. This is where Islam is aim protect humanity forever so that there are legal rules for buying and selling in Islam Which in accordance with Sharia so that No stuck with greed and injustice Which rampant.

Based on the description above, it can be concluded that the sale and purchase of marijuana coffee is carried out in traffic Medan Southeast Aceh is not in accordance with what is stipulated in the Islamic religion, because mixing the good with the bad. Both coffee and marijuana are halal and haram are one, therefore the sale of marijuana coffee should not be done so reduce risk to its users.

The implementation of buying and selling marijuana coffee is reviewed from the MUI DSN Fatwa across Medan, Southeast Aceh No legitimate Because nope fulfil condition Which There is in Fatwa DSN MUI, that is goods Which buying and selling is an item that is prohibited or haram. In the MUI DSN Fatwa p the forbidden on provision mutsman/mabi' Which forbid buying and selling goods Which No in accordance with sharia And provision regulation legislation.

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